

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DAVID T. & LELAND J. BARCHANOWICZ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	1:05cv1232-T
FREIGHTLINER TRUCKS OF DOTHAN,)	
INC.; DAIMLERCHRYSLER SERVICES)	
NORTH AMERICA LLC; COMMERCIAL)	
RECOVERY SYSTEMS, INC.; and Fictitious)	
Party Defendants “A” through “U”)	
)	
Defendants.)	

JOINT REPORT OF PARTIES’ PLANNING MEETING

Pursuant to *Fed. R. Civ. P. 26(f)*, counsel for all parties conferred by telephone beginning the week of January 22, 2006, to discuss a discovery plan and scheduling issues, with the following attorneys participating:

(a) Attorneys for Plaintiffs David T. & Leland J. Barchanowicz:

Greg McCain and Anil A. Mujumdar

(b) Attorneys for Defendants:

David Rains, attorney for Commercial Recovery Systems, Inc.; Lee Reeves, attorney for DaimlerChrysler Financial Services Americas LLC, successor by merger to DaimlerChrysler Services North America LLC; and Dow Huskey, attorney for Freightliner Trucks of Dothan, Inc.

The parties do not request a conference with the Court before entry of the scheduling order.

I. TRIAL

This jury action should be ready for trial by February 5, 2007, and at this time, is expected to take approximately four days.

II. PRE-TRIAL CONFERENCE

The parties request a pre-trial conference **thirty (30)** days before the commencement of trial.

III. DISCOVERY PLAN

The parties anticipate that discovery will be needed on the following: Plaintiffs' claims and Defendants' defenses.

All discovery shall be commenced in time to be completed by December 1, 2006.

IV. INITIAL DISCLOSURES

Within two weeks from the date of this Court's entry of the Order governing discovery in this case, the parties will exchange initial disclosures in accordance with *Fed R. Civ. P. 26(a)(1)*.

V. JOINDER/AMENDMENT

Any amendment to the pleadings, including joining additional parties as Defendants shall be filed by Plaintiffs no later than May 1, 2006. Defendants have until June 1, 2006, to amend the pleadings, including joining additional parties as Defendants.

VI. EXPERT REPORTS

Reports from retained experts under Rule 26(a)(2) due:

A. from Plaintiffs: No later than July 10, 2006. Deposition of Plaintiff's expert by August 10, 2006.

If Plaintiff does not name an expert, and Defendant does name an expert, Plaintiff has 30 days to name a rebuttal expert.

B. from Defendants: No later than September 10, 2006. Deposition of Defendants' expert by October 10, 2006.

If Plaintiff names a rebuttal expert, Defendants reserve the right to depose Plaintiff's rebuttal expert.

VII. WITNESSES AND EXHIBITS

A. Final lists of trial evidence under Rule 26(a)(3) should be due:

1. Witnesses: due from parties by **30** days before trial, and
2. Exhibits: due from parties by **30** days before trial;

B. Parties should have **seven (7)** days after service of final lists of trial evidence to list objections under Rule 26(a)(3).

VIII. DISCOVERY LIMITS

A. Interrogatories: The maximum number of interrogatories, including subparts, which each party may propound upon any other party shall be **forty (40)**. Responses are due **thirty (30)** days after service.

B. Depositions: Plaintiffs and each Defendant shall each be limited to a maximum of **ten (10)** depositions without seeking leave of Court.

C. Requests for Admissions: The maximum number of requests for admission that a party may submit to any other party shall be **twenty (20)**. Responses are due **thirty (30)** days after service.

D. Requests for Production of Documents: The maximum number of requests for production of documents that each party may serve upon any other party shall be **fifty (50)**. Responses are due **thirty (30)** days after service.

IX. SUPPLEMENTATION

Any supplementation under Rule 26(e) to the parties' discovery responses is due **thirty (30)** days before discovery concludes on December 1, 2006.

X. DISPOSITIVE MOTIONS

All potentially dispositive motions shall be served and filed no later than December 1, 2006. Responses to dispositive motions shall be filed within **thirty (30)** days of service of the motion.

XI. SETTLEMENT

Settlement cannot be realistically evaluated prior to some initial discovery, but

may be enhanced by use of the Court's alternative dispute resolution procedure.

XII. OTHER MATTERS

A. Pre-trial Conference: At the pre-trial conference, which the parties request be held at least **thirty (30)** days prior to trial, counsel for the parties shall be prepared to argue and/or address: motions *in limine*; objections to proposed exhibits and witnesses; objections to deposition designations and counter-designations; and any other pre-trial issue not yet ruled upon by the Court.

B. The parties agree and stipulate that this scheduling order shall govern the case until amended by further order of any court having jurisdiction over this case.

/s/

GREGORY B. McCAIN
One of the Attorneys for Plaintiffs,
David T. & Leland J. Barchanowicz

/s/

W. TODD HARVEY
One of the Attorneys for Plaintiffs,
David T. & Leland J. Barchanowicz

/s/

DAVID E. RAINS
Attorney for Defendant, Commercial
Recovery Sytems, Inc.

_____/s/_____

C. LEE REEVES

Attorney for Defendant,
DaimlerChrysler Financial Services
America, LLC, successor by merger
to DaimlerChrysler Services North
America, LLC

_____/s/_____

DOW T. HUSKEY

Attorney for Defendant, Freightliner
Trucks of Dothan, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of January 2006, a copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing on all counsel listed below:

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/s/ W. Todd Harvey
OF COUNSEL